

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA**

In re:

TERI GALARDI,

Debtor.

Case No. 22-50035-JPS

Chapter 11

ASTRID E. GABBE

Contested Matter

Movant.

v.

**ALEXIS KING and JOSEPH ROBERT
GUERNSEY d/b/a RED SHIELD
FUNDING, as assignee**

Respondents.

NOTICE OF OBJECTION TO CLAIM NO. 110

ASTRID E. GABBE, ESQ., CREDITOR AND INTERESTED PARTY, HAS FILED AN OBJECTION TO YOUR CLAIM IN THIS BANKRUPTCY CASE.

Your claim may be reduced, modified, or eliminated. You should read these documents carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to eliminate or change your claim, then you or your attorney shall file with the court a written response to the objection on or before **September 6, 2023**. If you are receiving this notice by mail, you may add 3 days to the response date, in accordance with FRBP 9006(f). The objection or response should be sent to:

Clerk, U.S. Bankruptcy Court
Middle District of Georgia
P.O. Box 1957
Macon, GA 31202
478-752-3506

If a response is filed, a hearing on the objection to your claim shall be held on: September 27, 2023 at 11:00 a.m. in Courtroom A at the U.S. Courthouse, 433 Cherry Street, Macon, Georgia 31201.

If you mail your response to the Court for filing, you shall send it early enough so that the court will receive the response on or before the response date stated above.

Any response shall also be served on the Movant.

If you or your attorneys do not take these steps, the court may decide you do not oppose the objection to your claim.

This notice is sent by the undersigned pursuant to LBR 9004-1.

Parties should consult the Court's website (www.gamb.uscourts.gov) concerning whether the hearing will be in-person, telephonic, or virtual. Please refer to Administrative Order #145 for more guidance.

This 7th day of August, 2023.

/s/ Jason M. Orenstein
JASON M. ORENSTEIN
State Bar # 554302
Attorney for Astrid E. Gabbe

1922 Forsyth Street
Macon, GA 31201
(478) 743-6300
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**ALEXIS KING and JOSEPH ROBERT
GUERNSEY d/b/a RED SHIELD
FUNDING, as assignee**

Respondents.

OBJECTION TO PROOF OF CLAIM NO. 110

Creditor and Interested Party in the above matter, ASTRID E. GABBE (herein “Gabbe”), hereby files this Objection to Proof of Claim No. 110 asserted by Alexis King, and assigned to Joseph Robert Guernsey d/b/a Red Shield Funding (herein “Respondents”), and respectfully shows this Court as follows:

1. On January 12, 2022 debtor filed a voluntary petition for relief under Chapter 11. Gabbe and Respondents are creditors/interested parties holding claims against the debtor in the above bankruptcy case.

2. In the years preceding the filing of the debtor’s bankruptcy petition, Gabbe provided legal representation pursuant to a contingency fee agreement with Alexis King in a claim for damages under the Florida Minimum Wage Act resulting a judgment entered on September 20, 2021 in the amount of \$468,446.62 in favor of Alexis King (the “King Judgment”) from a lawsuit styled *Darden et al. v. Fly Low, Inc. and Galardi*, Case No. 20-cv-20592-MGC,

3. In accordance with Florida law, on March 17, 2022, Gabbe filed a charging lien to enforce and perfect her 35% contingency attorney fee interest in the King Judgment. Said filing is reflected in the Darden docket and a copy is attached hereto as Exhibit 1.

4. On March 17, 2022, Gabbe filed Proof of Claim No. 57, asserting a claim for \$163,956.32 as an unsecured claim arising from her representation of Alexis King. As detailed above, said amount represents contingency fees of 35% earned from the King Judgment.

5. On March 21, 2022, Gabbe filed Proof of Claim No. 101 on behalf of Alexis King in the amount of \$304,490.30 as an unsecured claim. Said amount represents Alexis King's 65% after deducting the 35% attorney fees set forth above.

6. On March 22, 2022, Ms. King filed Proof of Claim No. 110 in the amount of \$468,446.62. Said claim reflects the full amount of the King Judgment against the Debtor, which does not take into account contingency fees due to Gabbe.

7. On February 28, 2023, Ms. King filed a Notice of Withdrawal of Claim No. 101 (Doc. 306).

8. On March 13, 2023, Ms. King transferred her proof of claim #110 to Joseph Robert Guernsey d/b/a Red Shield Funding. (Doc. 325)

9. As it stands now, Claim No. 57 and Claim No. 110 are redundant. Said claims need to be bifurcated such that the Liquidating Trustee shall make disbursements to Gabbe and Alexis King as separate payees.

10. Claim No. 110 filed by Alexis King should be reduced to \$304,490.30 to take into account Claim No. 57 and the attorney fees set forth therein.

WHEREFORE, the Movant requests the following relief:

- (a) That this Objection be sustained;
- (b) That the Liquidating Trustee pay Claim No. 57 in the amount of \$163,965.32 to Gabbe;

- (c) That Claim No. 110 is modified down to \$304,490.30 and paid to King or her assignee;
- (d) That the Court awards Movant such other and further relief as is just and proper.

This 7th day of August, 2023.

/s/ Jason M. Orenstein
JASON M. ORENSTEIN
State Bar # 554302
Attorney for Astrid E. Gabbe

1922 Forsyth Street
Macon, GA 31201
(478) 743-6300
jason@jmolaw.com

CERTIFICATE OF SERVICE

This is to certify that I have on this day electronically filed the foregoing Objection to Proof of Claim No. 110 using the Bankruptcy Court's Electronic Case Filing program which serves the same upon all participants therein who have appeared in the case. In addition, the counsel for Plaintiff has mailed to a copy of the foregoing Objection to Proof of Claim No. 110 to Red Shield Funding at 1616 S. Ocean Drive #101, Vero Beach, FL 32963; Joseph Guernsey at 4681 Carvel Court, Myrtle Beach, SC 29588; Alexis King at 1361 Arlene Valley Lane, Lawrenceville, GA 30043.

This 7th day of August, 2023.

/s/ Jason M. Orenstein
JASON M. ORENSTEIN
State Bar # 554302
Attorney for Astrid E. Gabbe

1922 Forsyth Street
Macon, GA 31201
(478) 743-6300
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EXHIBIT 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
Case No. 20-20592-CIV-COOKE-DAMIAN

PORSCHE DARDEN *et. al.*,

Plaintiffs

v.

FLY LOW, INC. AND TERI GALARDI,

Defendants

**CORRECTED NOTICE OF FILING AND ASSERTING CHARGING LIEN
BY THE LAW OFFICES OF ASTRID E. GABBE, P.A.
FOR ATTORNEYS' FEES AND COSTS**

NOTICE IS GIVEN that The Law Office of Astrid E. Gabbe, P.A. ("AG") asserts an attorney's charging lien on the Final Judgment entered in the above-captioned proceeding, to Plaintiff Alexis King ("King") [Doc. 37] and on all money due from defendants on such judgment, and any and all assets, property, money or proceeds retained, received or recovered by King, or any of her assigns in connection with this Final Judgment. This charging lien claims attorney's fees and costs due AG for legal services rendered to King in this proceeding. To date, nothing has been paid to the undersigned and \$163,956.32 is due to AG.

Former Attorneys for Alexis King

Astrid E. Gabbe
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Florida Bar No. 635383
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Interested Party

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of foregoing was served via CM/ECF, email and/or First Class U.S. Mail to the parties on the attached service list as indicated on this 17th day of March, 2022.

Former Attorneys for Alexis King

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SERVICE LIST

Served via CM/ECF

All parties of record

Served via Email

Alexis King Alexisking717@icloud.com